

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U. S. District Court

Securities & Exchange Commission

(List the full name(s) of the plaintiff(s)/petitioner(s).)

1:18 CV 7685 () ()

-against-

Deshan Govender

**MOTION FOR LEAVE TO
PROCEED IN FORMA
PAUPERIS ON APPEAL**

(List the full name(s) of the defendant(s)/respondent(s).)

I move under Federal Rule of Appellate Procedure 24(a)(1) for leave to proceed *in forma pauperis* on appeal. This motion is supported by the attached affidavit.

10/24/20

Dated

Signature

Deshan

S.

Name (Last, First, MI)

7 Turnberry Lane, Albany NY 12211

Address

City

State

Zip Code

1-518-426-1206

Telephone Number

1-917-715-4966

dgovender03@yahoo.com

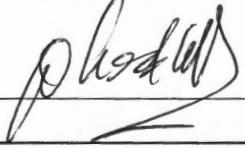
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USDC SDNY
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DATE FILED: 10/30/2020

Application to Appeal In Forma PauperisSECv. Jeshua Garsden

Appeal No. _____

District Court or Agency No. _____

Affidavit in Support of Motion	Instructions
I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.) Signed: 	Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.
	Date: <u>10/29/20</u>

My issues on appeal are: (required):

Please see Appendix 1.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source <i># cannot provide spouse info given divorce proceedings.</i>	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0	\$ NA	\$0	\$
Self-employment	\$0	\$ NA	\$0	\$
Income from real property (such as rental income)	\$0	\$ NA	\$0	\$

Divorce papers attached.

Interest and dividends	\$0	\$	\$	\$
Gifts	\$0	\$	\$	\$
Alimony	\$0	\$	\$	\$
Child support	\$0	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$	\$	\$
Disability (such as social security, insurance payments)	\$0	\$	\$	\$
Unemployment payments	\$800	\$	\$800	\$
Public-assistance (such as welfare)	\$0	\$	\$0	\$
Other (specify):	\$0	\$	\$0	\$
Total monthly income:	\$800	\$0	\$800	\$0

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
AskBio	North Carolina	3/1-6/1, 2019	\$30k
			\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ NA

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Chase	Checking	\$ 650	\$ NA
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$ 800k	(Value) \$ NA	(Value) \$ 12,500
		Make and year: 2015
		Model: Ford
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NA	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age
Narain Govender	Father	87
Parimala Govender	Mother	80
Tara & Theeran Govendre	Children	6 & 4

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$	\$ 6800
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$240	\$
Home maintenance (repairs and upkeep)	\$200	\$
Food	\$	\$ 400
Clothing	\$	\$ 150
Laundry and dry-cleaning	\$	\$ 150
Medical and dental expenses	\$	\$ 800

Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$ 850	\$
Health:	\$	\$
Motor vehicle:	\$ 350	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 10000	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify): School	\$	\$ 2400
Total monthly expenses:	\$ 11640	\$ 10700

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? Yes No

If yes, how much? \$ \$105,000

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

My spouse has filed for divorce in New York given the SEC complaint, confounding factors given no employment due to SEC disclosure in August 18, 2018. I am currently receiving unemployment benefits and are taking care of my elderly parents (ages 87 and 80) and have 2 young children (ages 6 and 4).

12. *Identify the city and state of your legal residence.*

City Albany State NY

Your daytime phone number: 917-715-5966

Your age: 50 Your years of schooling: 20

Last four digits of your social-security number: 9557

Appendix 1:

Appeal basis.

1) The Securities and Exchange Commission (SEC) filed this same insider trading case in New Jersey whereby Judge Shipp terminated the case. I was not named in their case in New Jersey. The SEC then filed a civil case in SDNY in which I was named and used my Manhattan address as the portal to file a new case given NJ termination action. 2) My appeal ion this civil case is also based on that the SEC should have not been able to bring the civil case in SDNY given United States v. Newman, 773 F.3d 438 (2d Cir. 2014), reh'g denied,Nos. 13-1837, 13-1917 (2d Cir. Apr. 3, 2015). In fact, dozens larger insider cases (criminal) were all dropped by SDNY given the Newman decision regarding benefit and the insider. The court found that the insider had to have gained in order for there be any classification of insider trading regardless of tippee benefit. Thus, the SEC as a matter of court rulings, should not of filed this case in SDNY and should have been rejected by the court. In addition, I am pro se and ask that I can add to the above reasons for my appeal.

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

JACQUELINE BUSINGYE-GOVENDER,
7 Turnberry Lane
Loudonville, New York 12211

SUMMONS WITH NOTICE

Index No.: *01904-20*

Plaintiff,
- against -

DHESHA GOVENDER,
Loudonville, New York 12211

Defendant.

This action is brought in ALBANY County because it is the County where Plaintiff resides.

ACTION FOR A DIVORCE

To the Defendant:

YOU ARE HEREBY SUMMONED AND REQUIRED TO RESPOND TO THIS SUMMONS and to the requests for relief made by the Plaintiff by serving a written Notice of Appearance on the Plaintiff's attorney, at the address stated below.

If this Summons with Notice was served upon you within the State of New York by personal delivery, you must respond WITHIN 20 DAYS after service, exclusive of the day of service. If this Summons with Notice was not personally delivered to you within the State of New York you must respond WITHIN 30 DAYS after service is complete in accordance with the requirements of the Civil Practice Law and Rules.

THE NATURE OF THIS ACTION IS TO OBTAIN A JUDGMENT OF DIVORCE, DISSOLVING THE MARRIAGE RELATIONSHIP BETWEEN PLAINTIFF AND DEFENDANT. THIS ACTION FOR DIVORCE IS BASED UPON THE FOLLOWING GROUND OR GROUNDS: *The relationship between Plaintiff and Defendant has broken down irretrievably for a period of at least six months, pursuant to Domestic Relations Law §170(7).*

THE RELIEF SOUGHT BY THE PLAINTIFF IN THIS ACTION IS A JUDGMENT DIVORCING THE PARTIES AND DISSOLVING THE MARITAL RELATIONSHIP WHICH HAS HERETOFORE EXISTED.

PLAINTIFF ALSO REQUESTS THAT SUCH JUDGMENT GRANT THE FOLLOWING ITEMS OF ADDITIONAL AND ANCILLARY RELIEF:

1. An Order regarding legal custody of the minor children of the marriage, and an Order awarding Plaintiff primary physical custody of the minor children of the marriage.
2. Awarding Plaintiff child support, including, but not limited to, a periodic payment, and, where appropriate, a child care allowance, health care allowance, and allowance for private and/or college educational expenses.
3. An Order regarding the maintenance of and payment for the health/medical/dental/vision insurance coverage for the benefit of the children of the marriage, and regarding the payment for the health/medical/dental/vision expenses for the children not covered by or reimbursed by insurance.
4. Granting Plaintiff, a person not in receipt of aid to dependent child, child support enforcement services, upon submission of a formal request for same in the manner specified by Section 111-g of the Social Services Law.
5. Awarding Plaintiff exclusive use and occupancy of the marital residence, together with exclusive use and occupancy of the contents of the marital residence.
6. Awarding Plaintiff maintenance.
7. An Order regarding maintaining and paying for the medical/health/dental/optical insurance coverage for the benefit of Plaintiff, and Order regarding the payment of the uninsured medical/health/dental/optical expenses incurred by Plaintiff.
8. Awarding Plaintiff equitable distribution of marital property, including a distributive award to Plaintiff if required or appropriate to effect such equitable distribution.
9. Declaring Plaintiff's separate property.
10. Directing Defendant to maintain life insurance coverage on Defendant's life with Plaintiff to be designated as irrevocable beneficiary.
11. Awarding Plaintiff counsel fees, expert fees, and other litigation expenses.
12. Granting each party the right to resume the use of any maiden name or other premarriage surname; and
13. Awarding Plaintiff such other and further relief as to the court may seem just and proper, together with the costs and disbursements of this action.

NOTICE: In accordance with Domestic Relations Law Section 255, you are hereby advised that upon the entrance of a Judgment of Divorce, you may no longer be allowed to receive health coverage under your former spouse's health insurance. You may be entitled to purchase health insurance on your own through a COBRA option if available. Otherwise, you may be required to secure your own separate health insurance.

IN THE EVENT THAT YOU FAIL TO APPEAR OR ANSWER, JUDGMENT WILL BE TAKEN AGAINST YOU, by default, for the relief demanded in this Summons with Notice.

NOTICE OF ENTRY OF AUTOMATIC ORDERS (D.R.L. 236) Rev. 1/13 FAILURE TO COMPLY WITH THESE ORDERS MAY BE DEEMED A CONTEMPT OF COURT

PURSUANT TO the Uniform Rules of the Trial Courts, and DOMESTIC RELATIONS LAW § 236, Part B, Section 2, both you and your spouse (the parties) are bound by the following **AUTOMATIC ORDERS**, which have been entered against you and your spouse in your divorce action pursuant to

22 NYCRR §202.16(a), and which shall remain in full force and effect during the pendency of the action unless terminated, modified or amended by further order of the court or upon written agreement between the parties:

(1) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(2) ORDERED: Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401K accounts, profit sharing plans, Keogh accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court; except that any party who is already in pay status may continue to receive such payments thereunder.

(3) ORDERED: Neither party shall incur unreasonable debts hereafter, including, but not limited to further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual household expenses, or for reasonable attorney's fees in connection with this action.

(4) ORDERED: Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) ORDERED: Neither party shall change the beneficiaries of any existing life insurance policies and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

IMPORTANT NOTE: After service of the Summons with Notice or Summons and Complaint for divorce, if you or your spouse wishes to modify or dissolve the automatic orders, you must ask the court for approval to do so, or enter into a written modification agreement with your spouse duly signed and acknowledged before a notary public.

NOTICE OF GUIDELINE MAINTENANCE

If your divorce was commenced on or after January 25, 2016, this Notice is required to be given to you by the Supreme Court of the county where your divorce was filed to comply with the Maintenance Guidelines Law ([S. 5678/A. 7645], Chapter 269, Laws of 2015) because you may not have counsel in this action to advise you. It does not mean that your spouse (the person you are married to) is seeking or offering an award of "Maintenance" in this action. "Maintenance"

means the amount to be paid to the other spouse for support after the divorce is final.

You are hereby given notice that under the Maintenance Guidelines Law(Chapter 269, Laws of 2015), there is an obligation to award the guideline amount of maintenance on income up to \$178,000 to be paid by the party with the higher income (the maintenance payor) to the party with the lower income (the maintenance payee) according to a formula, unless the parties agree otherwise or waive this right. Depending on the incomes of the parties, the obligation might fall on either the Plaintiff or Defendant in the action.

There are two formulas to determine the amount of the obligation. If you and your spouse have no children, the higher formula will apply. If there are children of the marriage, the lower formula will apply, but only if the maintenance payor is paying child support to the other spouse who has the children as the custodial parent. Otherwise the higher formula will apply.

Lower Formula

- 1-Multiply Maintenance Payer's Income by 20%
- 2- Multiply Maintenance Payee's Income by 25%

Subtract Line 2 from Line 1 = **Result 1**

Subtract Maintenance Payee's Income from 40% of Combined Income * = **Result 2**.

Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE LOWER FORMULA

Higher Formula

- 1-Multiply Maintenance Payer's Income by 30%
- 2- Multiply Maintenance Payee's Income by 20%

Subtract Line 2 from Line 1 = **Result 1**

Subtract Maintenance Payee's Income from 40% of Combined Income* = **Result 2**

Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE HIGHER FORMULA

* Combined Income equals Maintenance Payor's Income up to \$178,000 plus Maintenance Payee's Income

Note: The Court will determine how long maintenance will be paid in accordance with the statute.

Dated: February 11, 2020


BALZER & LEARY, PLLC

By: Chad E. Balzer, Esq.

Attorneys for Plaintiff

275 ½ Lark Street

Albany, New York 12210

(518) 432-9700

To: Pro Se Unit SDNY
For: Deshan Govender
Date: 10/24/20
Re: 1:18 CV 7685

Dear Sir/Madam,

Please help me by filing
my Appeal to the district court
for SDNY.

You can reach me @
917 715 4966

- Deshan

Govender

Appendix 1:

Appeal basis.

1) The Securities and Exchange Comission (SEC) filed this same insider trading case in New Jersey whereby Judge Shipp terminated the case. I was not named in their case in New Jersey. The SEC then filed a civil case in SDNY in which I was named and used my Manhattan address as the portal to file a new case given NJ termination action. 2) My appeal ion this civil case is also based on that the SEC should have not been able to bring the civil case in SDNY given United States v. Newman, 773 F.3d 438 (2d Cir. 2014), reh'g denied,Nos. 13-1837, 13-1917 (2d Cir. Apr. 3, 2015). In fact, dozens larger insider cases (criminal) were all dropped by SDNY given the Newman decision regarding benefit and the insider. The court found that the insider had to have gained in order for there be any classification of insider trading regardless of tippee benefit. Thus, the SEC as a matter of court rulings, should not of filed this case in SDNY and should have been rejected by the court.

\$14.15



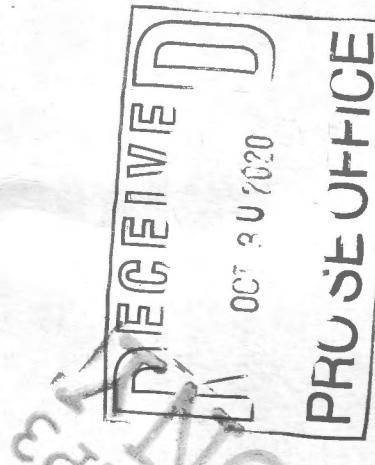
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U.S. Courthouse
500 Pearl St. Room 200
Pro Seavit office

New York, 10007



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